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Human rights questions: human rights questions, including alternative approaches for improving the effective enjoyment of human rights and fundamental freedoms

Afghanistan, Algeria, Azerbaijan, Cuba, Egypt, India, Malaysia, Pakistan, Peru, Philippines, Russian Federation, Sri Lanka, Sudan and Turkey: draft resolution

Human rights and terrorism

The General Assembly,

Guided by the Charter of the United Nations, the Universal Declaration of Human Rights,[1] the Declaration on Principles of International Law concerning Friendly Relations and Cooperation among States in accordance with the Charter of the United Nations[2] and the International Covenants on Human Rights,[3]

Recalling the Declaration on the Occasion of the Fiftieth Anniversary of the United Nations,[4] as well as the Declaration on Measures to Eliminate International Terrorism,[5]

Recalling also the Vienna Declaration and Programme of Action adopted by the World Conference on Human Rights on 25 June 1993,[6] in which the Conference reaffirmed that acts, methods and practices of terrorism in all its forms and manifestations as well as linkage in some countries to drug trafficking are activities aimed at the destruction of human rights, fundamental freedoms and democracy, threatening territorial integrity, security of States and destabilizing legitimately constituted Governments and that the international community should take the necessary steps to enhance cooperation to prevent and combat terrorism,

[1] Resolution 217 A (III).
[2] Resolution 2625 (XXV), annex.
[3] Resolution 2200 A (XXI), annex.
[4] See resolution 50/6.
[5] Resolution 49/60, annex.
[6] A/CONF.157/24 (Part I), chap. III.

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Recalling further the United Nations Millennium Declaration adopted by the General Assembly,[7]

Recalling its resolutions 48/122 of 20 December 1993, 49/185 of 23 December 1994, 50/186 of 22 December 1995, 52/133 of 12 December 1997 and 54/164 of 17 December 1999,

Recalling in particular that in its resolution 52/133 it requested the Secretary-General to seek the views of Member States on the implications of terrorism, in all its forms and manifestations, for the full enjoyment of human rights and fundamental freedoms,

Recalling previous resolutions of the Commission on Human Rights, and taking note, in particular, of resolution 2001/37 of 23 April 2001,[8] as well as the relevant resolutions of the Subcommission on the Promotion and Protection of Human Rights, particularly its resolution 2001/18, adopted unanimously on 16 August 2001,[9]

Noting all other relevant General Assembly resolutions,

Noting also relevant Security Council resolutions,

Aware that, at the dawn of the twenty-first century, the world is witness to historical and far-reaching transformations in the course of which forces of aggressive nationalism and religious and ethnic extremism continue to produce fresh challenges,

Alarmed that acts of terrorism in all its forms and manifestations aimed at the destruction of human rights have continued despite national and international efforts,

Bearing in mind that the right to life is the basic human right, without which a human being can exercise no other right,

Bearing in mind also that terrorism creates an environment that destroys the right of people to live in freedom from fear,

Reiterating that all States have an obligation to promote and protect all human rights and fundamental freedoms and that every individual should strive to secure their universal and effective recognition and observance,

Seriously concerned about the gross violations of human rights perpetrated by terrorist groups,

Profoundly deploring the increasing number of innocent persons, including women, children and the elderly, killed, massacred and maimed by terrorists in indiscriminate and random acts of violence and terror, which cannot be justified under any circumstances,

Expressing its deepest sympathy and condolences to all the victims of terrorism and their families,

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[7] Resolution 55/2.

[8] See *Official Records of the Economic and Social Council, 2001, Supplement No. 3* (E/2001/23), chap. II, sect. A.

[9] E/CN.4/SUB.2/RES/2001/18.

Noting with great concern the growing connection between terrorist groups and other criminal organizations engaged in the illegal traffic in arms and drugs at the national and international levels, as well as the consequent commission of serious crimes such as murder, extortion, kidnapping, assault, the taking of hostages and robbery,

Alarmed in particular at the possibility that terrorist groups may exploit new technologies to facilitate acts of terrorism, which may cause massive damage, including huge loss of human life,

Emphasizing the need to intensify the fight against terrorism at the national level, to enhance effective international cooperation in combating terrorism in conformity with international law and to strengthen the role of the United Nations in this respect,

Emphasizing also the importance of Member States taking appropriate steps to deny safe haven to those who plan, finance or commit terrorist acts, by ensuring their apprehension and prosecution or extradition,

Reaffirming that all measures to counter terrorism must be in strict conformity with the relevant provisions of international law, including international human rights standards,

Mindful of the need to protect the human rights of and guarantees for the individual in accordance with the relevant human rights principles and instruments, in particular the right to life,

Taking note of the growing consciousness within the international community of the negative effects of terrorism in all its forms and manifestations on the full enjoyment of human rights and fundamental freedoms and on the establishment of the rule of law and democratic freedoms as enshrined in the Charter of the United Nations and the International Covenants on Human Rights,

1. *Expresses its solidarity* with the victims of terrorism;

2. *Strongly condemns* the violations of the right to live free from fear and of the right to life, liberty and security;

3. *Reiterates its unequivocal condemnation* of the acts, methods and practices of terrorism, in all its forms and manifestations, as activities aimed at the destruction of human rights, fundamental freedoms and democracy, threatening the territorial integrity and security of States, destabilizing legitimately constituted Governments, undermining pluralistic civil society and having adverse consequences for the economic and social development of States;

4. *Reaffirms* the decision of the heads of State and Government, as contained in the Millennium Declaration, to take concerted action against international terrorism and to accede as soon as possible to all the relevant regional and international conventions;

5. *Urges* the international community to enhance cooperation at the regional and international levels in the fight against terrorism, in accordance with relevant international instruments, including those relating to human rights, with the aim of its eradication;

6. *Calls upon* States to take all necessary and effective measures in accordance with relevant provisions of international law, including international human rights standards, to prevent, combat and eliminate terrorism in all its forms and manifestations, wherever and by whomever committed, and also calls upon States to strengthen, where appropriate, their legislation to combat terrorism in all its forms and manifestations;

7. *Urges* all States to deny safe haven to terrorists;

8. *Calls upon* States to take appropriate measures, in conformity with relevant provisions of national and international law, including international human rights standards, before granting refugee status, for the purpose of ensuring that an asylum-seeker has not planned, facilitated or participated in the commission of terrorist acts, including assassinations, and, in this context, urges those States that have granted refugee status or asylum to persons involved or have claimed acts of terrorism to review these situations;

9. *Condemns* the incitement of ethnic hatred, violence and terrorism;

10. *Commends* those Governments that have communicated their views on the implications of terrorism in response to the notes verbales by the Secretary-General dated 16 August 1999 and 4 September 2000;

11. *Welcomes* the report of the Secretary-General,[10] and requests him to continue to seek the views of Member States on the implications of terrorism, in all its forms and manifestations, for the full enjoyment of all human rights and fundamental freedoms and on the possible establishment of a voluntary Fund for the victims of terrorism, as well as on ways and means to rehabilitate the victims of terrorism and to reintegrate them into society, with a view to incorporating his findings in his report to the General Assembly;

12. *Decides* to consider this question at its fifty-eighth session, under the item entitled "Human rights questions".

[10] A/56/190.